IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.2310 OF 2005

IN

APPEAL (L) NO.360 OF 2005

AND

APPEAL (L) NO.360 OF 2005

IN

WRIT PETITION NO.646 OF 2001

...

Sharda Dyeing and Printing
Works & Ors. ...Appellants

v/s.

Brihan Mumbai Municipal
Corporation & Ors. ...Respondents

...

Mr.T.G.Vora i/b Ms.Neeta V. Parikh for the Appellants.

...

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 16TH AUGUST, 2007

P.C.:

Assuming that there is sufficient cause shown for condonation of delay, we heard the learned counsel appearing for the Appellant on merits of the Appeal. We have gone through the order which is impugned in the Appeal. The learned single Judge has found that it was not the case of the Appellant himself that there is any defect in the meter. It has been found that the defect was in the wiring connecting the current transformer to the electric meter. The learned single Judge, therefore, relying on the judgment of the Supreme Court in the case of Tata Hydro Electric Power Supply Co.Ltd. v/s. Union of India, AIR 2003 SC 1581 held that the Electrical Inspector will not get the jurisdiction to entertain the claim under Section 26(6) of the Act.

. After having heard the learned counsel for the Appellant, we find no fault with the order made by the learned single Judge. Appeal has no substance. Motion & Appeal are, therefore, disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)